

SECOND REGULAR SESSION

HOUSE BILL NO. 2109

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ZERR.

5895H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 321.310, RSMo, and to enact in lieu thereof one new section relating to petitions to exclude property from a fire protection district.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 321.310, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.310, to read as follows:

321.310. 1. Any owner of any real or personal property contained within the boundaries of the district may file with the board a petition praying that such property be excluded and taken from the district. Such petition shall describe the property which the petitioner desires to have excluded, and must be acknowledged in the same manner and form as required in case of a conveyance of land, and be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings. The secretary of the board shall cause a notice of filing of such petition to be published in the county in which the property is located. The notice shall state the filing of such petition, the name of the petitioner, description of the property mentioned sought to be excluded and the prayer of the petitioner; and it shall notify all persons interested to appear at the office of the board at the time named in the notice, showing cause in writing, if any they have, why the petition should not be granted. The board at the time and place mentioned in the notice, or at the time or times at which the hearing of the petition may be adjourned, shall proceed to hear the petition and all objections thereto presented in writing by any person showing cause as aforesaid, why the prayer of the petition should not be granted. The filing of such petition shall be deemed and assent by the petitioner to the exclusion from the district of the property mentioned in the petition, or any part thereof.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **2. Owners of individual parcels within a residential subdivision contained within**
18 **the boundaries of the district may file with the board a petition praying that all real**
19 **property within the subdivision be excluded and taken from the district. The petition shall**
20 **be signed by every owner of a parcel within the subdivision sought to be excluded. Such**
21 **petition shall describe the property that the petitioners desire to have excluded and include**
22 **a statement from any rural, volunteer, or subscription fire department or organization, or**
23 **volunteer fire protection association that such entity will provide fire protection services**
24 **to the subdivision upon an order by the court excluding the subdivision from the district**
25 **issued under this section. The petition shall be acknowledged in the same manner and**
26 **form as required in the case of a conveyance of land, and be accompanied by a deposit of**
27 **money sufficient to pay all costs of the exclusion proceedings, which shall be consolidated**
28 **to the extent feasible. The secretary of the board shall cause a notice of filing of such**
29 **petition to be published in the county in which the subdivision is located. The notice shall**
30 **state the filing of such petition, the names of the petitioners, a description of the property,**
31 **the name of the fire department, organization, or association that will provide fire**
32 **protection services if the petition is approved, and the prayer of the petitioners. The**
33 **secretary shall notify all persons interested, including anyone who owns property within**
34 **the subdivision, to appear at the office of the board at the time named in the notice,**
35 **showing cause in writing, if any they have, why the petition should not be granted. The**
36 **board at the time and place mentioned in the notice, or at the time or times at which the**
37 **hearing of the petition may be adjourned, shall proceed to hear the petition and all**
38 **objections thereto presented in writing by any person showing cause as aforesaid why the**
39 **prayer of the petition should not be granted. The filing of such petition shall be deemed**
40 **to be assent by the petitioners to the exclusion from the district of the property mentioned**
41 **in the petition.**

42 **3. The board, if it deems it not for the best interests of the district that the property**
43 **mentioned in the petition, or any portion thereof, shall be excluded from the district, shall order**
44 **that the petition be denied; but if it determines that the property mentioned in the petition, or any**
45 **portion thereof, cannot as a practical matter be served by the district or if it deems it for the best**
46 **interest of the district that the property mentioned in the petition, or some portion thereof, be**
47 **excluded from the district, then the board may order the property mentioned in the petition, or**
48 **some portion thereof, excluded from the district. Upon allowance of such petition, the board**
49 **shall file a certified copy of the order of the board making such change with the circuit clerk.**
50 **Upon order of the court, the property shall be excluded from the district, and a copy of the order**
51 **of the board and the order of the court shall be filed with the county clerk in each county in**
52 **which the district lies. The circuit court having jurisdiction over the district shall make any such**

53 order excluding property from the district as provided in the order of the board, unless the court
54 shall find that such order of the board was not authorized by law, or that such order of the board
55 was not supported by competent and substantial evidence. Any person aggrieved by any decision
56 of the board made pursuant to the provisions of this section may appeal that decision to the
57 circuit court within thirty days of the decision for a trial de novo.

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